

JUNE 14, 2010 CITY OF WASHBURN CITY COUNCIL MEETING

Present: City Council Members: Kristy M. Jensch, Mary McGrath, Carrie L. Wartman, John F. Baregi, Ruth F. Amraen, Robert D. Fiegle, Richard M. Avol

Municipal Personnel: Mayor Ralph C. Brzezinski, City Administrator Scott J. Kluver, City Clerk-Treasurer Vicki E. Swanson City Attorney David J. Siegler(5:33)

Call to Order - Mayor Brzezinski called the meeting to order. Roll call attendance depicted the entire membership of the Common Council in attendance. Quorum recognized. **Pledge of Allegiance.**

Approval of Minutes – City Council Meeting – May 10, 2010 - a motion to approve Record of Official Proceedings made by Baregi, and seconded by Fiegle, unanimously carried.

Approval of Expenditures - a motion to approve monthly expenditure vouchers by Finance Committee Member, Avol, and seconded by Finance Committee Member, Baregi, unanimously carried on roll call vote of the Council.

Public Comment – individuals addressing the Council with statements relative to the 2-step project in Memorial Park Campground. Appearing on the subject were Michael Streed, Box 292, on behalf of himself and Mark Lusche; Jeremy Oswald, 401 West 5th Street; Jennifer Maziasz, 26 East 3rd Street; and Leo Ketchum, 612 West 4th Street. Individuals expressing a level of apprehension over some of the details of the intended maintenance / improvement project. Michael Yonan, 78105 Komborski Road, Town of Bayview, asked Council to extend the relaxation of the Open Container Ordinance beyond 3:00AM during the Homecoming celebrations.

Mayoral Announcements, Proclamations, and Appointments - CDBG Housing Improvements & Home Purchases Assistance Funds – Mayor Brzezinski elaborates on recent mailing to Washburn residents of brochure outlining availability of Housing Improvement and Home Purchase Community Development Block Grant funds and inviting applications be made through the Northwest Regional Planning Commission which administrators the program for the City of Washburn.

Public Hearings - Vacation of 8th Avenue East, from Memorial Park Drive to Lake Superior, Adjacent Blocks 98,104, 97, 105, 115 and 106, Original Townsite, Petitioner-Matt Crowell Representing Randall J. Rademaker – floor opened to public hearing on motion of Avol, seconded by Baregi, which unanimously carried. No disapproving comment from the General Public and/or neighboring property owners on the matter. Floor closed on motion of Baregi, seconded by Avol, which unanimously carried. Motion to approve the vacation as petitioned, and supported by the City Council and the Planning Commission, by McGrath, seconded by Baregi, unanimously carried.

Conditional Use Permit Application: - Request for Conditional Use Permit-Single Family Residence, 131 West Bayfield Street, C1 District, Lawrence Woodward, Petitioner - floor opened to public hearing on motion of Baregi, seconded by Avol, which unanimously carried. No opposing comment from the General Public and/or adjacent property owners on the matter. Floor closed on motion of Baregi, seconded by Amraen, which unanimously carried. Motion to approve the formal Permit containing/outlining the Conditions and as reviewed and supported by the City Council and the Planning Commission, by McGrath, seconded by Jensch, unanimously carried.

Proposed Ordinance #10-004 – amending Zoning Code Sec. 13-1-144 and Sec. 15-1-2(c)(1), Washburn City Ordinances, for the purpose of clarifying site review functions and procedures – as reviewed and discussed during the April monthly meeting, current language in the Zoning Code differs from that language contained in the Building Code as to authority/responsibility between the City Council and the Planning Commission for site plan reviews, and with the Council desirous of maintaining the authority of site plan review, referring to Planning Commission should it be deemed so for opinion and perhaps in-depth study, ordinance now on the table for adoption. Public Notice of the Hearing in order. No objection from the Planning Commission. Motion to open the floor to Public Hearing by Baregi, seconded by Fiegle, unanimously carried. No comment from the floor. Motion to close the floor to Public Hearing by Baregi, seconded by Fiegle, unanimously carried. Motion to adopt Ordinance #10-004 by Baregi, seconded by Fiegle, carried 6 to 1 with Avol in opposition.

Proposed Ordinance #10-005 Amending Zoning Code Sec. 13-1-25(d)(2)(b), and Sec. 13-1-25(d)(4), Washburn City Ordinances, for the purpose of clarifying the minimum rear-yard setback for accessory buildings in the R-4 District - as reviewed by the Council during the April session and due to language contained in the Zoning Code which could be confusing, recommendation to consider/reconsider an accessory structure rear yard setback in the two districts and amending the Code to clarify interpretation of the existing language. Public Notice of the Hearing in order. Favorable recommendation of the Planning Commission. Motion to open the floor to Public Hearing by Baregi, seconded by Amraen, unanimously carried. No comment from the floor. Motion to close the floor to Public Hearing by Baregi, seconded by Wartman, unanimously carried. Motion to adopt Ordinance #10-005 by Baregi, seconded by McGrath, unanimously carried. Rear yard setback for accessory structures in the R-4 District established as ten (10) feet.

Conditional Use Permit Application: - Single Family Residence in C2 General Retail Sales & Service, District, 706 West Bayfield Street, Lots 5-9, Block 5, Original Townsite, Helen E. Olson and John D. Olson, Petitioners - floor opened to public hearing on motion of Baregi, seconded by Amraen, which unanimously carried. No opposing comment from the General Public and/or adjacent property owners on the matter. Floor closed on motion of Baregi, seconded by Wartman, which unanimously carried. Motion to approve the formal Permit containing/outlining the Conditions and as reviewed and supported by the City Council and the Planning Commission, by Baregi, seconded by Amraen, unanimously carried

Site Plan Approval-Deck Construction on Residential Structure – 914 West Pine Street, C2 General Retail Sales & Service District, Donald Bush, Petitioner – applicant desirous of adding a 96 square foot deck to residential structure located in the C-2 District thus calling for site plan review. Comments by the Deputy Zoning Administrator. Recommended approval of the Planning Commission. Motion to approve by Amraen, seconded by Baregi, motion unanimously carried.

Alcohol Licensing Matters - Bartender License Applications – New & Renewal – New applications 32-11 through 34-11 approved on motion of Baregi, seconded by McGrath, which unanimously carried. Renewal applications #40-12 through #48-12 approved for licensing on motion of McGrath, seconded by Amraen, which unanimously carried.

Annual Alcohol License Renewal & Beer Garden Applications-New & Renewal - Establishments applying being Schicky's Saloon, LLC, Daniel Schick, Agent, Schicky's Saloon, Corporation Combination Class B Fermented Malt Beverage & Intoxicating Liquor, 532 West Bayfield Street; Uncle Walleye's, LLC, Barbara Engelhard, Agent, Patsy's Bar, Corporation Combination Class B Fermented Malt Beverage & Intoxicating Liquor, and new application for Beer Garden, 328 West Bayfield Street; Dauson, Inc., Harlan Guske, Agent, Firehouse, Corporation Combination Class B Fermented Malt Beverage & Intoxicating Liquor, and new application for Beer Garden, 10 West Bayfield Street; John's Prime Steak Pit, Inc., Edith M. Deutsch, Agent, The Steak Pit, Corporation Combination Class B Fermented Malt Beverage & Intoxicating Liquor and Beer Garden permit, 125 Harbor View Drive; Washburn IGA Bitzer's Inc., Robert J. Bitzer, Agent, Washburn IGA, Corporation Class A Fermented Malt Beverage and Intoxicating Liquor, 226 West Bayfield Street; David P. Nickels, A Nickel's Worth, Individual Combination Class B Fermented Malt Beverage & Intoxicating Liquor, and new application for Beer Garden, 800 West Bayfield Street; Lyndale Terminal Co., dba Holiday Station store #227, Eugene Rich, Agent, Corporation Class A Fermented Malt Beverage, 606 West Bayfield Street; Leino's Gas & Goods, Inc.,

Susan M. Tibbits, Agent, Corporation Class A Fermented Malt Beverage, 137 West Bayfield Street; Timothy F. Ledin, dba Hugo's Log Cabin, Individual Class B Fermented Malt Beverage License, 905 W. Bayfield Street; StageNorth LTD, Noah D. Siegler, Agent, Stage Door Bar, Corporation Combination Class B Fermented Malt and Intoxicating Liquor, and Beer Garden, 123 West Omaha Street; and DaLou Bistro, Inc, Dale Hanson, Agent, DaLou's Bistro, Corporation Class B Fermented Malt Beverage and Class C Wine, and Beer Garden, 310 West Bayfield Street. Memo from City Clerk outlined the process of annual application and denoted initial application for Beer Garden by three establishments. The attached documents as presented by the City Clerk also included report by Deputy Zoning Administrator on plot plans presented by the three establishments with initial application for Beer Garden. Motion by Amraen, seconded by Fiegle to approve the Alcohol License applications as filed and presented. Query by Avol as to if the motion intended to approve in bulk; Amraen and Fiegle indicate in the affirmative. Avol indicates concern over the location of the proposed beer garden on the Firehouse property and proposes location in different area of the property, a distance further from the adjacent motel. Following Council deliberation, the motion carried 5 to 2 with Jensch and Avol in opposition. Indication of desire to address the Council prompted a motion to open the floor by Avol. Jensch seconded, and the motion unanimously carried. Addressing the Council with concerns on the Firehouse Bar beer garden were Mary Engen, 1016 West Pine Street, and Yvonne Liu, North Coast Motel. Floor closed on motion of Avol, seconded by Baregi, which unanimously carried. No further action or discussion on Alcohol Licensing applications.

Special Event Permit – CORE Community Resources - Washburn Cultural Center – with application in order, motion to approve by Amraen, seconded by Jensch, for event to be held July 3, 2010, 4:00-8:00 PM, at the Washburn Cultural Center. The motion unanimously carried.

Discussion & Action on Resolution #10-009 - Compliance Maintenance Annual Report – the annual report, a requirement of the WI Department of Natural Resources, for the City's continued licensing of the Wastewater Treatment Plan, illustrated State ranking of monthly reports and submissions on the Plant operation. Motion to approve Resolution #10-009 incorporating intent and method of improvement in certain area(s) carrying a grade slightly lower than desired, by Baregi, seconded by Amraen, which unanimously carried.

Request for Planting of Memorial Tree in Small Triangle Park, Washington Avenue – High School Class of 1977 – request addressing a planting and routine maintenance of a tree in local park area in memory of a classmate. Motion to approve by Amraen, seconded by McGrath, carried unanimously.

Request for Use of Municipal Facilities – Memorial Park Campground-N/A Annual Campout – with application in order, motion to approve the scheduling and use of Memorial Park Campground for the 25th Annual Event upon receipt of reservation fee, and with the group following all regulations of the Campground for the event scheduled for August 13-15, 2010, by Fiegle, seconded by McGrath, and unanimously carried.

Request for Use of Municipal Facilities – West End Park – North Coast Community Sailing – the NCCS group, offering safe, fun, and affordable sailing instruction, which fosters responsibility, sportsmanship, and teamwork, particularly for youth. NCCS requesting placement of structure for storage of sailboat, life jackets, and safety boat equipment at the West End Park boat landing beach area. Request documentation contained photo of the structure. The group having offered the classes at West End Park since 2001. Classes scheduled for June – July 16th. Structure is 6 x 10 foot and would be placed at the tree line near the boat landing parking area. Group requesting placement this year and Council consideration of a permanent placement arrangement of the structure if appropriate. Motion to approve and to also allow permanent placement, removing all equipment at each season end, by Fiegle, seconded by Baregi, which unanimously carried.

Discussion & Action on the following Water Utility / Public Service Commission Issues & Communications– as discussed and acted on during the May session, the City Administrator updated the Council on his communications with the Public Service Commission on **(1) Request for Conversion to Quarterly Billing** – motion by Avol, seconded by Amraen, that the City pursue with the Public Service Commission conversion to a quarterly billing. Motion carried 6 to 1 with Fiegle in opposition. **(2) Request for Charging Fire Hydrant Rental Costs to All Municipal Properties & Consideration of Rate Increase** – following discussion on a charge based on flat fee versus assessed value, motion by Amraen to pursue the establishment of a flat fee to be charged properties currently not on utility services thus more equitably sharing costs; the motion, seconded by Avol, unanimously carried. **Consideration of Rate Increase** – shared with Council was opinion of the Public Service Commission that a rate increase was timely due to financial status of the Utility and period of time since last increase. Motion by Baregi to apply for rate increase on water only; motion seconded by Fiegle, carried 6 to 1 with Avol in opposition. **(3) Ordinance #10-007 Requiring Permanent Meter for Lawn Watering Usage** – motion by Baregi, seconded by Avol, to adopt Ordinance #10-007; the motion unanimously carried.

Discussion & Action on Deer Management / Control - communication from Chief of Police outlining plans for the conduct of a pesky deer control hunt. Police Chief awaiting response from Department of Natural Resources personnel. Motion by McGrath, seconded by Baregi, to authorize the deer control plans as outlined; motion unanimously carried.

Discussion on Offer(s) Received for Purchase of Pump House Property – no recent offers received to date.

Closed Session Items - Personnel – Potential Light Duty Assignment - Discussion on Potential Development Agreements – Civic Center and Golf Course Properties - Discussion on Received Offers of Purchase - Parcel #35 Municipal Property Sale Listing–Former Pump House Property – prior to entering into a closed session, Avol requests report on the City Administrator performance evaluation be scheduled for the next session. Avol then moved the Council go into closed session pursuant to Wisconsin State Statute §19.85(1)(c)(e) for personnel matters and for the purpose of deliberating or negotiating the purchasing of public property, the investing of public funds, or the conducting other specified public business whenever competitive or bargaining reasons require a closed session; following which the Council may reconvene in open session to take any action that may be necessary on the closed session items. The motion was seconded by Wartman and carried unanimously on roll call vote. Attendance in the closed session depicted the all Councilors remaining present, along with the Mayor, City Administrator, City Clerk, and Director of Public Works. City Attorney departs at 8:00PM prior to discussions on personnel.

Adjournment - The evening's session concluded in the closed session at 8:20PM on motion of Baregi, seconded by McGrath, which unanimously carried.

NOTICE OF FINANCE COMMITTEE MEETING 4:30PM
Committee Review of Monthly Expenditure Vouchers

Vicki E. Swanson
City Clerk-Treasurer

FINANCE COMMITTEE MEETING 4:30PM

Committee Members Avol & Baregi reviewed monthly expenditure vouchers for favorable recommendation to City. Noted absent, Committee Member McGrath.

